

## **CBSC STAFF REPORT**

### **2004 Annual Cycle Monograph Item 7**

#### **PROPOSING STATE AGENCY:**

Office of Statewide Health Planning and Development (OSHPD 02/04)

#### **APPLICATION AFFECTED:**

Hospital buildings, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers

#### **SUBJECT:**

Part 2, 2001 California Building Code, Chapters 1, 4A, 16, 16A, 18A, 19, 19A, 22, 22A, 23, and 23A, California Code of Regulations:

- Clarify requirements for skilled nursing facilities (SNFs), including distinct part units within acute care hospitals; delete requirements for operable windows in hospitals and SNFs; and refer to sections applicable to licensed clinics. Chapters 1 and 4A are affected.
- Include amendments for updating regulations for nonstructural components in hospitals and correctional treatment centers to follow provisions of NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures, 2000 Edition, FEMA 368. Chapter 16 through 22A are affected.
- Update the reference to the National Design Specifications (NDS) to the 2001 from the 1991 edition, which is no longer published. Chapters 23 and 23A amendments have been revised.
- Minor editorial and technical corrections are made throughout the above mentioned chapters.

#### **FINDINGS:**

##### **CBSC Code Advisory Committee Comments/Recommendations**

CBSC's Health Facilities and Structural Design and Lateral Forces Code Advisory Committee (HF CAC and SDLF CAC) recommended approve as submitted/resubmitted.

(See pages 2-99 through 2-151 of the May, 2005 Code Change Monograph, Volume II.)

##### **Public Comment & Agency Response to Comments:**

Sub-items 7-43 and 7-45: Commenter #1, David P. Tyree, P.E., C.B.O., representing American Forest and Paper Assoc., requests approve as amended for the following reasons, based on Criteria 3 & 7:

- The 2005 NDS is available and should be referenced in Chapter 23A instead of the 2001 edition;
- The agencies' amendments to the 2001 NDS are unnecessary or onerous to builders; and
- Nominal English and metric dimensions referenced in several sections should be correlated for equivalency. (See pages 72 through 84 of the October, 2005 Public Comment Monograph.)

**Response by agency:** OSHPD proposes to make no change to their regulations to accommodate Mr. Tyree's comment for the following reasons:

- The 2005 edition of the NDS was not yet published when the agency submitted its 2004 Annual Cycle amendment package;
- To change the references to the 2005 NDS, eliminate proposed amendments, and correlate English and metric equivalents would be substantive modifications beyond the scope of this rulemaking; and
- The agency will consider Mr. Tyree's remarks with its adoption of the 2006 International Building Code, which references the 2005 NDS. (See pages 10 through 12 of the Final Statement of Reasons, which follows this report.)

##### **Staff Findings**

OSHPD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law, although their repetition of previously-submitted information in the Updated Informative Digest and Final Statement of Reasons is confusing. In their updates, the agency could have stated that there was no change.

#### **COMMISSION ACTION:**

For efficiency, staff recommends that the commission act on uncontested sub-items in one motion, and act on the remaining sub-items individually. Since Items 6 and 7 for DSA/SS and OSHPD are virtually identical, including public comments and responses, these items can be taken up in one motion as well.

The Commission may take any one of the following actions on these sub-items, then act on Item 7 as a whole:

- ❖ **Approve**
- ❖ **Disapprove**
- ❖ **Approve as Amend**
- ❖ **Further Study**